

REMARKS

Reconsideration of this application, as amended, is requested.

In paragraphs 1-7 of the Office Action the Examiner rejected claims 2, 7, 8, 9, 10 and 11 under 35 U.S.C. § 112, second paragraph.

Reconsideration is respectfully requested.

With regard to paragraph 3 of the Office Action, Claims 2, 9 and 10 have been amended to remove "a" and replace it with "the" as requested by the Examiner.

With regard to Paragraph 4 of the Office Action, the term "group" has been removed from the individually listed linker moieties to more specifically point out the claimed invention. The claim language has been amended to replace the term "group" with the term "radical" where the claim language referred to individual moieties within the linker moiety. Further, the specific language reciting the use of linked moieties has been amended to more specially point out the claimed invention. Applicants submit that this amendment alleviates the confusion caused by the prior wording. No new matter has been added.

With regard to paragraphs 5 and 6 of the office Action, Claim 8 has been cancelled and therefore the rejection with regard to Claim 8 is rendered moot.

With regard to paragraph 7 of the Office Action, Claims 10 and 12 have been amended to recite that the labeling group is an "NO₂ radical" in accordance with production examples 1-5.

Applicants submit that Claims 2, 7, 9, 10 and 11 are now presented in accordance with 35 U.S.C. §112, second paragraph and it is requested that the 35 U.S.C. §112 rejections be withdrawn.

In paragraphs 8-9 of the Office Action the Examiner rejected claim 8 under 35 U.S.C. §102(a) as being anticipated by Koike et al. (WO 03/053,932 AI).

Reconsideration is respectfully requested.

Certified copies of all three priority documents have already been made of record. An additional copy of Japanese Patent Appl. No. 2003-113707, filed on April 18, 2003 is attached along with a sworn English language translation. Japanese Patent Appl. No. 2003-113707 contains all of the substantive matter of the claimed invention. The present application differs from the translated priority document substantively only with regard to the number of examples recited. The publication date of the Koike et al. reference is July 3, 2003. Applicants submit that the certified translation of the priority document overcomes the 102(a) rejection. It is therefore requested the 102(a) rejection be withdrawn.

In paragraphs 10 and 11 of the Office Action the Examiner rejected Claims 1 and 2 under 35 U.S.C. §103(a) as being obvious in over Koike et al. (WO 03/053,932 AI).

Reconsideration is respectfully requested.

As noted above, a certified copy of the April 18, 2003 priority document was submitted previously. An additional copy of that April 18, 2003 Japanese application is attached along with a sworn English language translation. The April 18, 2003 Japanese application contains all the substantive matter of the claimed invention. The present application differs from the translated priority document substantively only with regard to the number of examples recited. The publication date of the Koike et al. reference is July 3, 2003. Applicants submit that the certified translation of the priority document overcomes the 103(a) rejection. It is therefore requested the 103(a) rejection be withdrawn.

In paragraph 12 of the Office Action the Examiner rejected Claims 5-7, 9 and 11 under 35 U.S.C. §103(a) as being obvious over of Koike et al. (WO 03/053,932 AI) in view of Griffiths et al. (U.S. Patent No. 6,120,768).

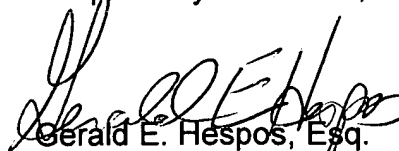
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Based upon the above amendments and remarks Applicant respectfully submits that Claims 1, 2, 5-7 and 9-13 are now in proper form for allowance.

An early and favorable action is earnestly solicited.

Respectfully submitted,



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Date: August 16, 2006